



THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

I, CHRISTINE R. MARTINEZ, City Secretary of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City and that the above and foregoing is a true and correct copy of Ordinance No. Z-06-12-21-8A2, which rezones 9.04 acres to Planned Unit Development No. 70. This ordinance was approved by the City Council on the 7th day of December 2006 and adopted on the 21st day of December 2006. The minutes of this meeting are recorded in the official City Council Minute Book No. 54.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 22nd day of December 2006.



Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

ORDINANCE NO. Z-06-12-21-8A2

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 9.04 ACRES OF LAND IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT PUD NO. 39 (PLANNED UNIT DEVELOPMENT) TO DISTRICT PUD NO. 70 (PLANNED UNIT DEVELOPMENT).

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to rezone 9.04 acres of land in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from District PUD No. 39 (Planned Unit Development) to District PUD No. 70 (Planned Unit Development), and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 20th day of September 2006, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the property described in Exhibit "A" be zoned District PUD No. 70 (Planned Unit Development), and

WHEREAS, on the 7th day of December, 2006, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300 and Section 11.400, Code of Ordinances (1995 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the Official Zoning Map adopted in Section 11.401(2) (a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A" is hereafter designated as District PUD No. 70 (Planned Unit Development) and the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 70, attached hereto as **Exhibit "B"**, which agreement shall govern the development and use of said property.

II.

That the City Council has hereby determined that PUD No. 70 meets the following goals and objectives:

- (1) The development in PUD No. 70 is equal to or superior to development that would occur under the standard ordinance requirements;
- (2) PUD No. 70 is in harmony with the general purposes, goals, objectives and standards of the General Plan;
- (3) PUD No. 70 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare;
- (4) PUD No. 70 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities; and
- (5) PUD No. 70 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

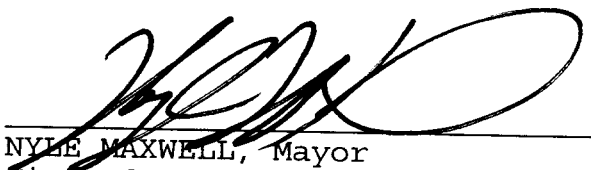
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2006.


Alternative 2.

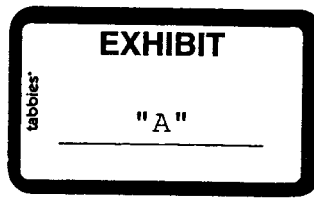
READ and APPROVED on first reading this the 17th day of December, 2006.

READ, APPROVED and ADOPTED on second reading this the 21st day of December, 2006.


NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

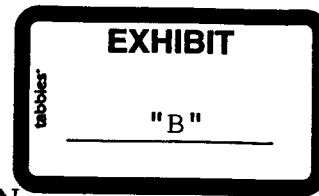

CHRISTINE R. MARTINEZ, City Secretary



LEGAL DESCRIPTION OF PROPERTY

4.60 acres, Lot 1, Block E of La Frontera Section III-B, a subdivision in the City of Round Rock, Williamson County, Texas, according to the plat thereof recorded in Cabinet S, Slides 69-76 of the Plat Records of Williamson County, Texas;
2601 La Frontera Blvd.

4.44 acres, Lot 2, Block E of La Frontera Section III-A, a subdivision in the City of Round Rock, Williamson County, Texas, according to the plat thereof recorded in Cabinet S, Slides 370-374 of the Plat Records of Williamson County, Texas.
2601 Kouri Drive



**DEVELOPMENT PLAN
TOWN CENTER PUD
PLANNED UNIT DEVELOPMENT NO. 70**

**THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §**

THIS DEVELOPMENT PLAN (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean 35/45 La Frontera, L.P., its respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 9.04 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof.

WHEREAS, The Owner has submitted a request to the City to rezone the Property as a Planned Unit Development (the "PUD").

WHEREAS, pursuant to Chapter 11, Section 11.314, Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted a development plan which has been included as a part of the development conditions and requirements detailed in the Development Standards contained in Section II of this Plan; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on September 20, 2006, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PUD; and

WHEREAS, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

NOW THEREFORE:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT PLAN

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II, Paragraph 16 below are followed.

3. ZONING VIOLATION

Any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. MISCELLANEOUS PROVISIONS

4.1 Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

4.2 Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

4.3 Effective Date

This Plan shall be effective from and after the date of approval by the City Council.

II.

DEVELOPMENT STANDARDS

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), as amended, City of Round Rock, Texas, hereinafter referred to as "the Code."

2. PROPERTY

This Plan covers approximately 9.04 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in **Exhibit "A"**.

3. PURPOSE

The purpose of this Plan is to ensure a PUD that 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by the C-1 (General Commercial) or MF (Multifamily) zoning district that best applies to the use of the Property and other sections of the Code, as applicable. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

5. MAXIMUM BUILDING AREA

The cumulative total building area, as defined in the Code, on the Property may not exceed 489,392 square feet. The portions of any parking garages (or other parking structures) that are used for vehicle parking and related uses are not subject to the building area limitations of this section.

6. PERMITTED USES, HEIGHT AND SETBACK

The permitted uses and limitations are as follows:

Permitted Use ¹	Building Height Limitation	Building Setbacks from ⁶ :			Maximum Residential Units
		Hester's Crossing	La Frontera Boulevard	Kouri Avenue	
Office ³ (OF)	144 feet	8 feet	8 feet	8 feet	n/a
Restaurant ⁴	45 feet ²	8 feet	8 feet	8 feet	n/a
General Commercial (C-1)	45 feet ²	8 feet	8 feet	8 feet	n/a
Multifamily (MF) ⁵	60 feet	8 feet	8 feet	8 feet	39 per acre

1. Zoning designations indicate all uses permissible under the Code for such designation as of the date of this Ordinance. Such uses may include, but are not limited to, other uses also listed in this chart. Limitations for any specific C-1 or MF use listed in this chart will control over the general C-1 or MF listing.
2. Decorative architectural features may exceed the stated height limitation by 15 feet.
3. Including the following associated uses: Restaurant (including bar and liquor sales), Research & Development, and General Commercial (C-1).
4. Including bar and liquor sales.
5. 10% of the floor space constructed upon the lot(s) contained within a site plan must be developed for office, restaurant, or general commercial uses. Multilevel parking must be provided for the multifamily units. Total residential units may not exceed 360 units. The number of Maximum Residential Units does not guarantee the availability of water and wastewater capacities. On-site and off-site utility improvements may be required of the developer.
6. Building setbacks may be increased during the site plan review process if necessary to accommodate traffic sight lines or utilities as designated on a corresponding plat or site plan.

7. PROHIBITED USES

The following uses are prohibited on the Property: mini-warehouses, flea markets, sexually oriented businesses (as defined in the Code), amusement parks or carnivals, portable building sales except as incidental to other retail sales, recreational vehicle parks, wholesale nurseries, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (but not prohibiting pet shops and veterinary clinics with overnight facilities), vehicle sales and truck stops.

8. PROHIBITED BUILDING MATERIALS

The following materials are prohibited on the exterior walls of all buildings and structures (this section does not apply to roofs):

Sheet, corrugated, and unfinished Aluminum
Asbestos
Galvanized Steel
Mirrored Glass (reflectivity of 20% or more).

9. SIDEWALKS

Sidewalks at least five (5) feet wide on both sides of the road, as detailed in **Exhibit "B"**, are required along all public roads.

10. SERVICE AND LOADING AREAS

- a. **Screening Required:** No dock high loading area is permitted unless such area is visually screened from public view.
- b. **Delivery Vehicles:** All delivery and utility vehicles stored on-site must be inside a closed building or within a screened portion of the site.
- c. **Service Areas:** Service areas will be screened from adjacent tracts, all public rights-of-way, and views from above. Methods of screening include walled entrances, evergreen landscaping, and depressed service areas. Screening walls must be constructed of the same materials as the main building. (refer to figure 1)

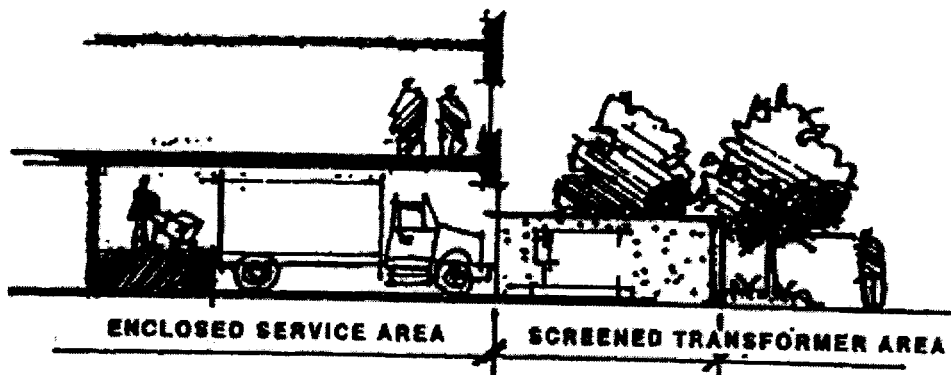


figure 1

- d. **Loading Areas:** All loading and service areas must be clearly signed. Loading spaces must be clearly denoted on the pavement and designed so as to not prohibit on-site vehicular circulation when occupied. Loading spaces will be located directly in front of a loading door. Loading areas must be designed to accommodate backing and maneuvering on-site, not from a public street. Regardless of orientations, loading doors may not be located closer than fifty feet (50') from a public or private right-of-way.
- e. **Trash Storage:** Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to screen all refuse containers completely and must be provided with gates, so as to provide screening of views from adjacent lots and public rights-of-way. All enclosures must be constructed of permanent materials (concrete, masonry, wood, steel, etc.) which are compatible with the building it serves. Refuse storage areas must be designed to contain all refuse generated on-site between collections. (refer to figure 2)

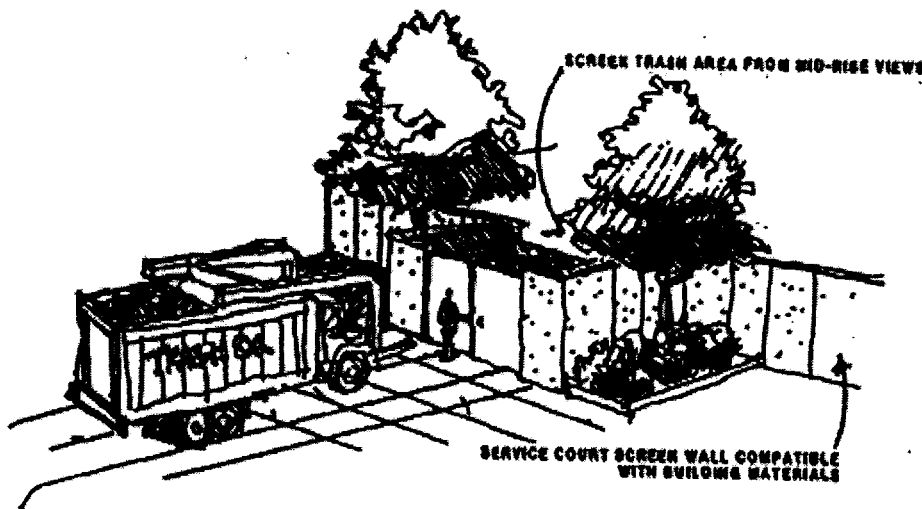


figure 2

- f. **Street Level Mechanical Equipment:** All ground-mounted service equipment (e.g., air conditioners, transformers, trash collection equipment) related to each building will be consolidated in an enclosed service area. Landscaping will be used to soften the visual appearance of the walls enclosing the service area. Service areas must be paved, curbed, and internally drained.
- g. **Roof Mounted Mechanical Equipment:** All roof mounted mechanical elements must be screened from view from the public right-of-way. Screening must be compatible with the building design. If roof decks with mechanical units are visible from any level of adjacent buildings, the

mechanical units must be screened and painted to match the finished roof material.

11. EXTERIOR LIGHTING

- a. **Minimal Spillover:** All lighting must be installed to minimize light spillover onto adjacent properties.
- b. **Parking Lot Fixtures:** All light fixtures will be of a horizontal design with sharp cutoff edges. The fixture will be a rectangular box unit or a round puck-like unit (similar to Kim Lighting's Curvilinear Cutoff series) with a minimum diameter of 17" (width) and maximum diameter of 29" as detailed in **Exhibit "C"**. The fixture will be made of spun aluminum or similar quality material with sidewalls free of welds or fasteners and will have an illumination source of mercury vapor or metal halide. All fixtures and light standards will have a black or dark bronze powder coated finish. Fixture glass must be white or clear. Light standards will be metal poles 30 feet high. **(refer to figure 3)**
- c. **Open Space, Walkway and Passenger Drop Off Areas:** All light fixtures will be of a horizontal design with sharp cutoff edges. The fixture will be a rectangular box unit or a round puck-like unit (similar to Kim Lighting's Curvilinear Cutoff series) with a minimum diameter of 17" (width) and maximum diameter of 29" as detailed on **Exhibit "C"**. The fixture will be made of spun aluminum or similar quality material with sidewalls free of welds or fasteners and will have an illumination source of mercury vapor or metal halide. All fixtures and light standards will have a black or dark bronze powder coated finish. Fixture glass must be white or clear. Light standards will be metal poles between 10 and 15 feet high. **(refer to figure 3)**

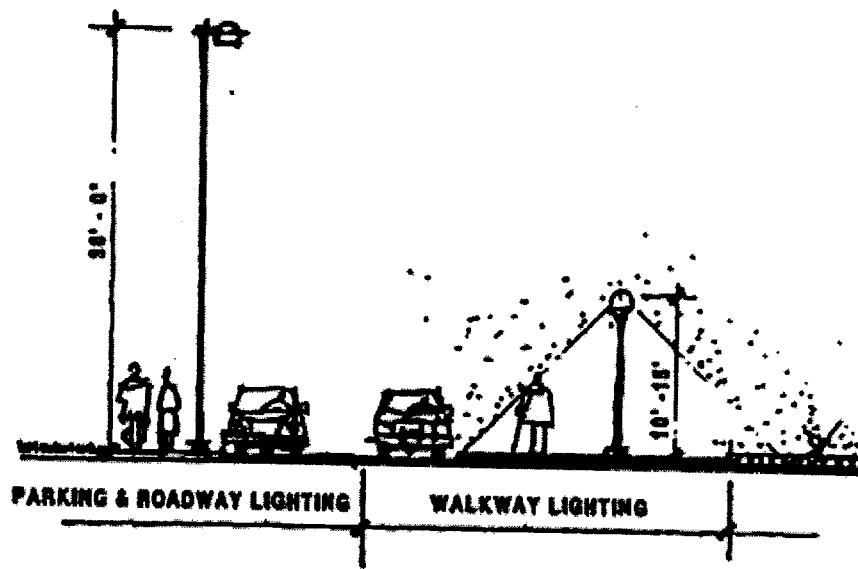


figure 3

12. LANDSCAPING

- a. **Existing Trees:** Existing large mature trees will be retained in accordance with the Code.
- b. **Tree Protection:** All existing trees of six (6) inch caliper or greater must be indicated on the proposed site plans. The proposed site plans will indicate trees to remain and those to be removed. All trees within an approved building site which are required to be preserved in accordance with the Code must be flagged and encircled with protective fencing. The fencing must extend beyond the full spread on the tree's branches to reasonably ensure successful protection. Existing trees in parking areas will be saved in groups and as specimens whenever practicable.
- c. **Open Space:** All areas not containing buildings, structures, parking lots, sidewalks, fountains, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. The landscape planting design must provide for easy maintenance. Utility easements will be landscaped consistent with other landscape areas where allowed by the respective utility company.
- d. **Rights of Way:** Areas within the road right-of-way may be landscaped only in accordance with a license agreement with the City.

- e. **Grass:** All landscaped areas not in groundcover or shrub beds will be planted in grasses, preferable sod. Overseeding in fall with cool season native grasses is allowed. The use of edging material to separate all grass areas from shrub and groundcover areas is required. The edging material will be concrete, steel, brick or stone. No plastic edging is allowed. Use of narrow paving "mowstrips" are allowed around building foundations for easy maintenance.
- f. **Irrigation:** An underground, automatic irrigation system must be installed in all landscaped areas. Sprinkler heads must be located to effectively water the landscaped areas with minimal spray onto roadways, parking areas and walkways.
- g. **Screening of Parking:** Parking areas must be screened visually from all roadways in accordance with the Code. Screening may be accomplished with landscaping or buildings. Berms may not exceed a 3:1 pitch. Shrubbery must be maintained to a minimum height of 3 feet. (refer to figure 4)

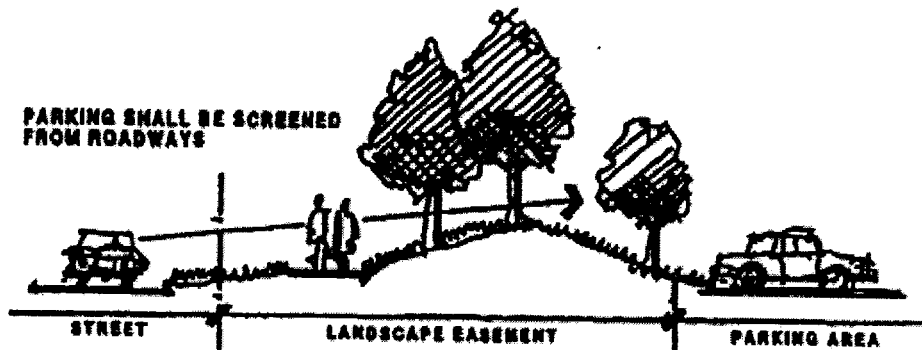


figure 4

- h. **Parking Areas:** In all surface vehicular use areas and parking areas (other than in parking garages or other parking structures), a minimum of 90 square feet for each 12 parking spaces must be devoted to landscaped strips, islands, peninsulas, medians, or other landscaped areas (the "Minimum Parking Area Landscaping Requirement"). As partial fulfillment of the Minimum Parking Area Landscaping Requirement, any parking area containing five or more parking rows of double vehicle depth will include a landscaped strip no less than ten feet (10') wide at least every fourth parking row of double vehicle depth. The landscaped strip will be installed with trees planted no less than every 60 linear feet.
- i. **Road Medians:** At least twenty percent (20%) of the median of Hesters Crossing will be landscaped with shrubbery and trees.

- j. **Alternative Landscape Plan:** In accordance with Section 11.501(5) of the Code, an alternative landscape plan which may not strictly comply with the terms of this Section 12 may be submitted for approval to the Zoning Administrator.

13. SIGNS

All freestanding signs for the purpose of identifying occupants of the Property will be monument signs installed and maintained in accordance with the Code. Additional signs for the purpose of identifying occupants of the Property may be mounted on (or made a part of) the exterior walls of the building occupied.

14. TRAFFIC IMPACT ANALYSIS

Development of the Property shall be in accordance with the approved Traffic Impact Analysis for PUD 39 (La Frontera West) on file with the City of Round Rock Director of Transportation Services.

15. UNDERGROUND UTILITY SERVICE

Except where approved in writing by the Chief of Public Works Operations, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, shall be placed underground. All transformers must be visually screened.

16. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

16.1 Minor Changes

Minor changes to this Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning and Community Development, and the City Attorney.

16.2 Major Changes

All changes not permitted under section 16.1 above shall be submitted following the procedure required for a new PUD application. Unless prohibited by law, the City reserves the right to rezone the Property or any portion thereof on its own motion or upon the application of any owner of property within the PUD.

17. CONCEPT PLAN APPROVED

Approval of this Plan constitutes Concept Plan approval under the City Subdivision Ordinance.

18. GENERAL PLAN 2000

This Plan amends the Round Rock General Plan 2000, which was adopted on June 10, 1999.

LIST OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
Exhibit "A"	Legal Description of Property
Exhibit "B"	Sidewalks
Exhibit "C"	Lighting

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

4.60 acres, Lot 1, Block E of La Frontera Section III-B, a subdivision in the City of Round Rock, Williamson County, Texas, according to the plat thereof recorded in Cabinet S, Slides 69-76 of the Plat Records of Williamson County, Texas;
2601 La Frontera Blvd.

4.44 acres, Lot 2, Block E of La Frontera Section III-A, a subdivision in the City of Round Rock, Williamson County, Texas, according to the plat thereof recorded in Cabinet S, Slides 370-374 of the Plat Records of Williamson County, Texas.
2601 Kouri Drive

EXHIBIT B

SIDEWALKS

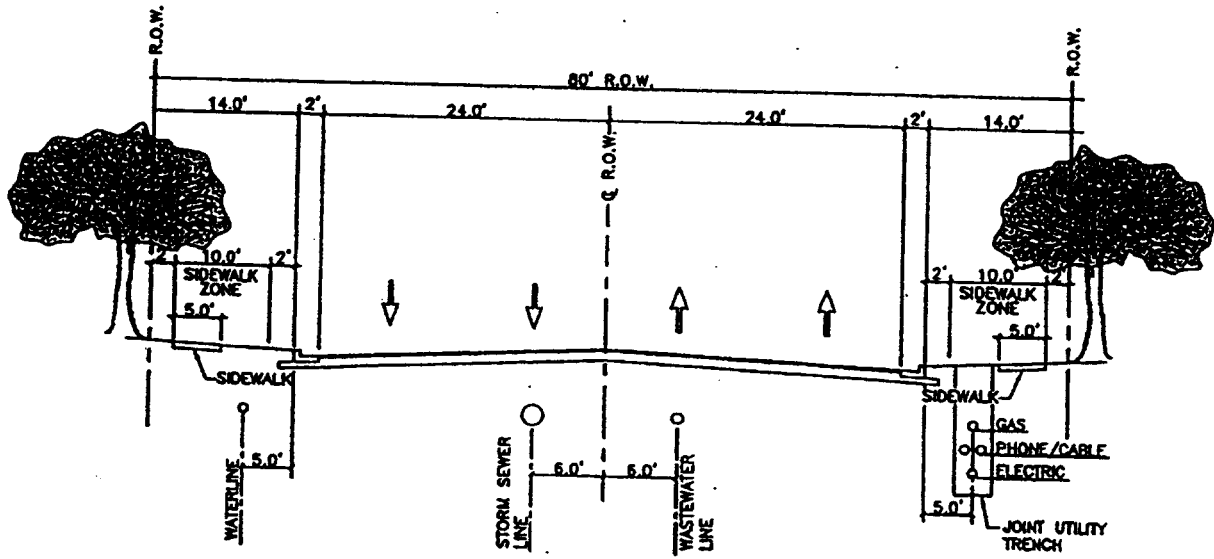
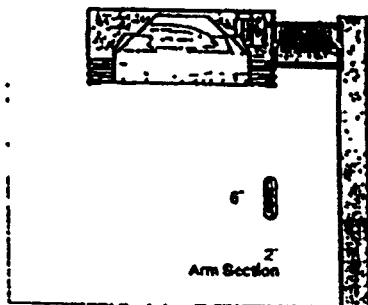


EXHIBIT C

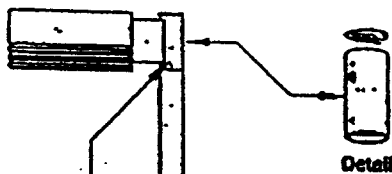
LIGHTING

Specifications and Details Arm Mount

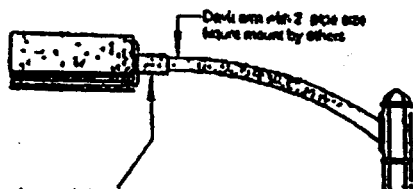
STANDARD ARM MOUNT



MOUNTING OPTIONS

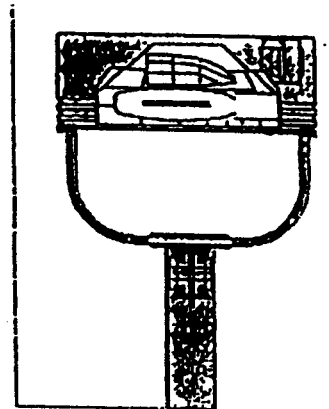


Vertical Slipfitter Mount: Allows standard fixture and support arm to be mounted to poles having a 2" pipe size tenon (2 1/4" O.D. x 4 1/2" min. length). Any mounting configuration can be used (1A, 2B, 2L, 3T or 4C). 4" dia. cast aluminum with flush cap, secured by (4) 3/8" stainless steel set point allen screws. Finished to match fixture and arm.

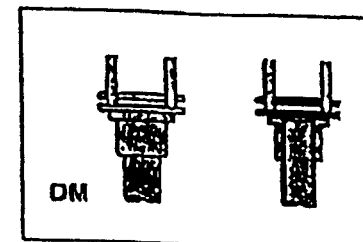
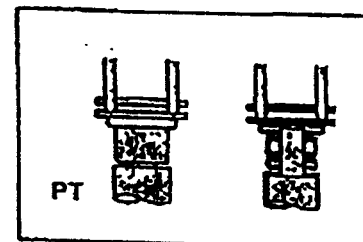
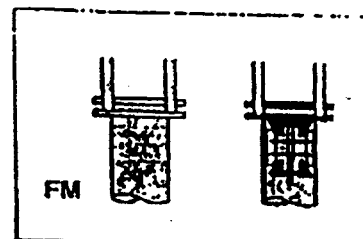


Horizontal Slipfitter Mount: Cast aluminum clamp-type slipfitter mount with single set screw anti-rotation lock. Bolts to housing from inside electrical compartment using mounting holes for standard support arm. Fitter clamps to any horizontal pole davit-arm with 2" pipe size mounting end (2 1/4" O.D.). Finished to match fixture and arm.

Specifications and Details Post Top Mount



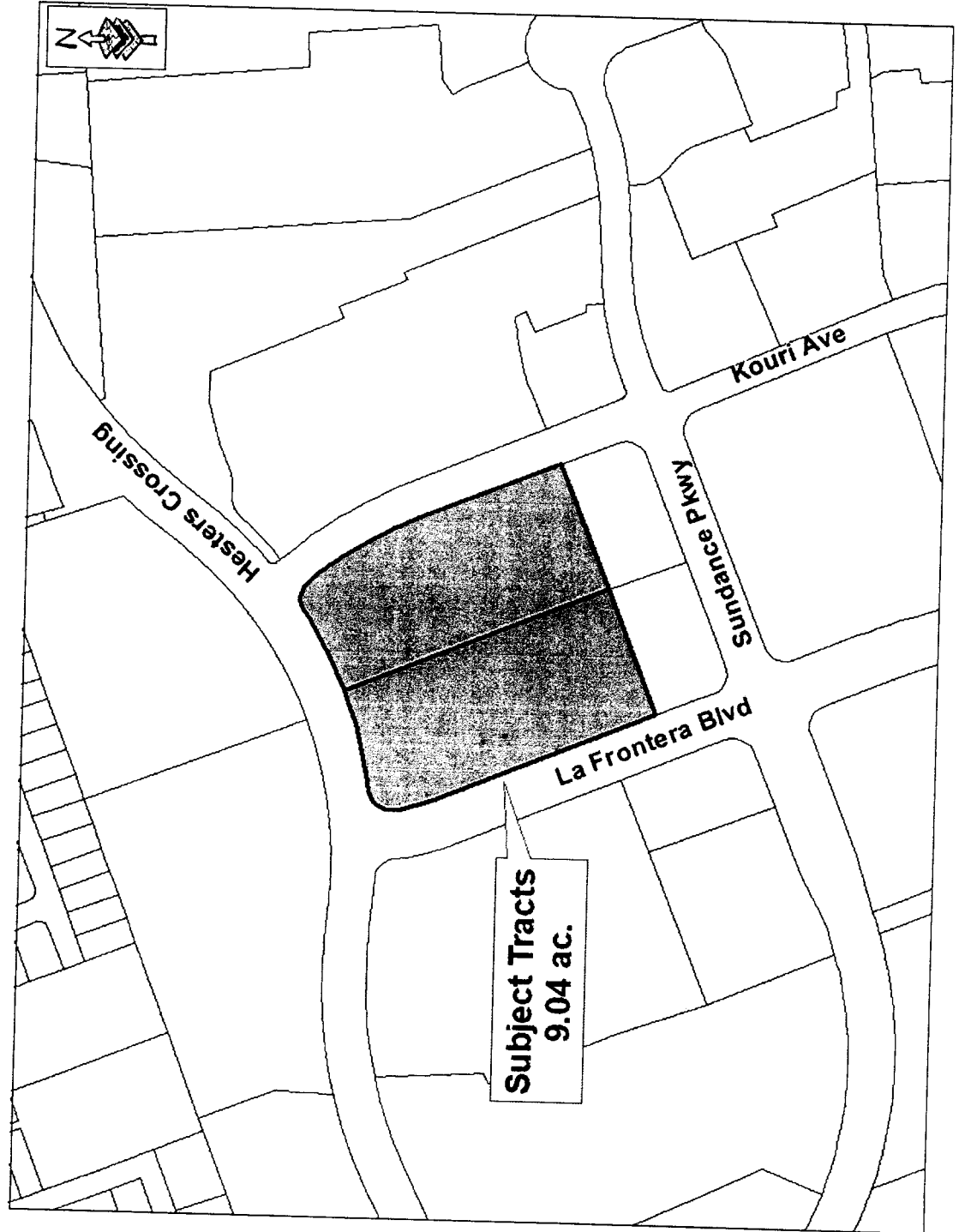
MOUNTING OPTIONS



RECORDERS MEMORANDUM

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Change of Zoning from PUD 39 to PUD 70



Ordinance No. Z-06-12-21-8A2

Rezoning of 9.04 acres of land to Planned Unit Development No. 70

La Frontera Town Center

Located south of Hesters Crossing Road between La Frontera Boulevard and Kouri Avenue

AFTER RECORDING, PLEASE RETURN TO:

CITY OF ROUND ROCK
CITY SECRETARY
221 E. MAIN STREET
ROUND ROCK, TX 78664

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2006112030

Nancy E. Rister

12/22/2006 04:14 PM

PHOLTZ \$104.00

NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS